

**ARTICLE VII. WATERSHED PROTECTION ORDINANCE**

**(Amended in entirety June 22,2000) (ORDINANCE NO. 2000-11)**

**Sec. 8-201. Watershed Protection Areas.** Watershed protection areas are hereby identified, classified, and regulated for the purpose of insuring the preservation and improvement of water quality and for complying with laws of the State of Georgia..

The following definitions shall be utilized in the administration of the Watershed Protection Ordinance.

1. Canopy Tree: Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade and protection to the earth and vegetation beneath it from its foliage mass; also individual or tree groups forming an overhead cover. Examples include oak, red maple, hickory, beech, pecan, sycamore, sweetgum, poplar, ash, river birch, long leaf pine, loblolly pine and Virginia pine.
2. Flood Hazard Area. The area possibly threatened by periodic flooding as determined by various date, e.g. maps provided by the United States Department of Housing and Urban Development, United States Soil Conservation Service, Army Corps of Engineers, or hydrologic studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a permanent body of water, e.g. a lake, pond, river, and stream, and all land within the limits of a flood having a 100-year return frequency.
3. Ground Cover: Natural plant material such as vines, shrubs, or grasses which would not normally attain a height of more than two (2) feet.
4. Impervious Surface: a man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, paved roads, paved driveways, paved parking lots, swimming pools, or patios.
5. Large Water Supply Watershed: A watershed area which is greater than 100 square miles as defined by the Georgia Department of Natural Resources Environmental Protection Division.
6. Natural Buffer: A portion of a parcel which shall be set aside to provide a separation between the use(s) on the parcel and adjoining parcels or uses or a stream through the use of natural vegetation, replanting, and supplemental plantings. Vegetation within a natural buffer area shall not be disturbed except for approved access and utility crossings. For lakes

and/or reservoirs, the natural buffer shall be measured from the normal pool elevation or the natural buffer shall be considered the 100-year floodplain elevation, whichever is greater. For streams and/or creeks, the natural buffer shall be measured from the stream bank or the 100-year floodplain elevation, whichever is greater. No sewage treatment facility, dumping, discharging, releasing, spraying, distributing of any toxic or other harmful products is allowed onto the land within the natural buffer.

7. Natural Vegetation: Natural vegetation shall connote a generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.
8. Nitrification Field: A nitrification field shall be defined as any system for the on-site disposal of wastewater.
9. Reservoir: A reservoir shall be an existing or future impoundment of water for water supply purposes as identified by Resolution of the Fayette County Board of Commissioners.
10. Shrub: A woody plant or bush of relatively low height (two (2) to six (6) feet), distinguished from a tree by having several stems rather than a single trunk.
11. Small Water Supply Watershed: A watershed area which is less than 100 square miles as defined by the Georgia Department of Natural Resources Environmental Protection Division.
12. Stream Bank: The uppermost part of the bank marked by a break in slope (as defined by the Georgia Department of Natural Resources Environmental Protection Division). Stream bank is not necessarily the water's edge.
13. Tree: A self supporting woody plant having one (1) or more well defined stems or trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten (10) feet, and a trunk diameter of at least two (2) inches measured at a point four (4) feet above the ground.
14. Tributaries and Streams: Tributaries and Streams, whether named or unnamed, that continuously flow to major water supply streams.
15. Utility: a public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

16. Understory Tree: Any tree, which is of relatively lesser height and spread than surrounding canopy trees, but still provides shade and a degree of protection to the earth and vegetation beneath it. Examples include dogwood, cherry, red bud, sassafras, crabapple, pear, American holly, red cedar, and magnolia.
17. Water Supply Reservoir: a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.
18. Water Supply Watershed: the area of land upstream of a governmentally owned public drinking water intake.

**Sec. 8-202. Applicability.** The following large and small water supply watersheds; and designated major water supply streams, named tributaries and minor unnamed streams located in and out of the large and small water supply watersheds shall be governed by this Article:

- A. Large Water Supply Watersheds: Fayette County contains one (1) large water supply watershed as indicated on the map, Large and Small Water Supply Watersheds in Fayette County; the Flint River where intakes for Fayette County, Clayton County and the City of Griffin are located. This water supply watershed does not contain a reservoir.
- B. Small Water Supply Watersheds: Fayette County contains four (4) small water supply watersheds as indicated on the map, Large and Small Water Supply Watersheds in Fayette County. The four (4) small water supply watersheds are:
  1. Line Creek Watershed where Fayette County and Coweta County intakes are located. This water supply watershed is the location of the proposed Lake McIntosh;
  2. Flat Creek Watershed where a Fayette County intake is located. Flat Creek is a named tributary which flows into Lake Kedron and then into Lake Peachtree;
  3. Whitewater Creek Watershed where Fayette County and the City of Fayetteville intakes are located. This water supply watershed does not contain a reservoir; and
  4. Horton Creek Watershed where a Fayette County intake is located. Antioch Creek and Woolsey Creek are named tributaries which flow into Lake Horton.
- C. Designated major water supply streams.

1. Antioch Creek
2. Flat Creek
3. Flint River
4. Horton Creek
5. Line Creek
6. Whitewater Creek
7. Woolsey Creek

D. The following named tributaries to water supply streams are as follows:

1. Broadnax Creek
2. Gay Creek
3. Gin Branch
4. Gingercake Creek
5. Haddock Creek
6. Morning Creek
7. Murphy Creek
8. Nash Creek
9. North Camp Creek
10. Pelham Creek
11. Perry Creek
12. Sandy Creek
13. Shoal Creek
14. South Camp Creek
15. Tar Creek

16. Trickum Creek

- E. Any and all minor unnamed streams which are indicated as perennial on the 1963 (Photo Revised 1982) U.S.G.S. Quad Sheets.

**Sec. 8-203. Restrictions.** The following restrictions shall apply to Large Water Supply Watersheds, Small Water Supply Watersheds and All Areas Outside of the Large and Small Water Supply Watersheds

A. Any property within 1,000 feet of a reservoir:

1. Permitted Residential Uses:

- a. Minimum lot size – Three (3) acres
- b. Minimum natural buffer - 150 feet as measured from the normal pool elevation or the natural buffer shall be considered the 100-year flood plain elevation, whichever is greater.
- c. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the normal pool elevation or the setback shall be considered the 100 year flood plain elevation, whichever is greater .
- d. No multi-family residential or manufactured home park uses allowed.

2. Permitted agricultural uses:

- a. Minimum natural buffer - 150 feet as measured from the normal pool elevation or the natural buffer shall be considered the 100-year flood plain elevation, whichever is greater.
- b. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the normal pool elevation or the setback shall be considered the 100 year flood plain elevation, whichever is greater.
- c. No chemical treatment (herbicides, pesticides, fertilizers, or paint) or livestock allowed in the natural buffer.

3. Commercial - No commercial structures or uses of any nature.

4. Industrial - No industrial structures or uses of any nature.

5. Permitted recreational uses:

- a. Minimum natural buffer - 150 feet as measured from the normal pool elevation or the natural buffer shall be considered the 100-year flood plain elevation, whichever is greater.
- b. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the normal pool elevation or the setback shall be considered the 100 year flood plain elevation, whichever is greater.
- c. Pervious hiking trails and picnic areas will be allowed within the natural buffer and setback. Any land disturbance activities are subject to Fayette County Erosion and Sedimentation Control Ordinance (Article IX, Development Regulations) and Flood Plain Regulations (Article IV, Development Regulations).
- d. No chemical treatment (herbicides, pesticides, fertilizers, or paint) allowed in the natural buffer.

B. Other areas within a reservoir drainage basin including major water supply streams, tributaries, and minor streams shall be regulated as follows:

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1. Permitted Residential Uses:

- a. Minimum lot size per zoning district.
- b. No multi-family residential or manufactured home park uses allowed.
- c. Minimum natural buffer - 100 feet as measured from the stream bank.
- d. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the stream bank.

2. Permitted agricultural uses:

- a. Minimum natural buffer - 100 feet as measured from the stream bank.

- b. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the stream bank.
  - c. No chemical treatment (herbicides, pesticides, fertilizers, or paint) or livestock allowed in the natural buffer.
- 3. Permitted commercial use:
  - a. Minimum lot size – Two (2) acres
  - b. Minimum natural buffer - 100 feet as measured from the stream bank.
  - c. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the stream bank.
- 4. Permitted industrial use:
  - a. Minimum lot size – Five (5) acres
  - b. Minimum natural buffer - 100 feet as measured from the stream bank
  - c. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the stream bank
- 5. Permitted recreational uses:
  - a. Minimum natural buffer - 100 feet as measured from the stream bank
  - b. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the stream bank
  - c. Pervious hiking trails and picnic areas will be allowed within the natural buffer and setback. Any land disturbance activities are subject to Fayette County Erosion and Sedimentation Control Ordinance (Article IX, Development Regulations) and Flood Plain Regulations (Article IV, Development Regulations).



C. If a reservoir is not constructed on or adjacent to a major water supply stream, the following shall apply within 1,000 feet of a major water supply stream:

1. Permitted residential and commercial uses:

- a. Minimum Natural Buffer - 400 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.
- b. Minimum Lot Size - residential - per zoning ordinance and commercial: two (2) acres.
- c. Minimum setback for all structures, nitrification fields and impervious surfaces - 450 feet as measured from the stream bank or 150 feet from 100-year flood plain elevation, whichever is greater.

2. No industrial, multi-family residential, or manufactured home park uses shall be permitted.

3. Permitted agricultural uses:

- a. Minimum Natural Buffer - 400 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.
- b. Minimum setback for all structures, nitrification fields and impervious surfaces - 450 feet as measured from the stream bank or 150 feet from 100-year flood plain elevation, whichever is greater.
- c. The natural buffer shall be reduced to 100 feet, as measured from the stream bank, for activities that do not require grubbing or tilling, such as tree harvesting with no stump removal.
- d. No chemical treatment (herbicides, pesticides, fertilizers, or paint) or livestock allowed in the natural buffer.

4. Permitted recreational uses:

- a. Minimum Natural Buffer - 400 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.

- b. Minimum setback for all structures, nitrification fields and impervious surfaces - 450 feet as measured from the stream bank or 150 feet from 100-year flood plain elevation, whichever is greater.
  - c. Pervious hiking trails and picnic areas will be allowed within the natural buffer. Any land disturbance activities are subject to Fayette County Erosion and Sedimentation Control Ordinance (Article IX, Development Regulations) and the Flood Plain Regulations (Article IV, Development Regulations).
  - d. No chemical treatment (herbicides, pesticides, fertilizers, or paint) allowed in the buffer, natural or undisturbed.
- D. If a reservoir is not constructed on or adjacent to a major water supply stream, the following shall apply to named tributaries within 1000 feet of the named tributary.
  - 1. Permitted Residential Uses:
    - a. Minimum Lot Size - per zoning ordinance.
    - b. Minimum Natural Buffer - 200 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.
    - c. Minimum setback for all structures, nitrification fields and impervious surfaces - 250 feet as measured from the stream bank or 150 feet from 100-year flood plain elevation, whichever is greater.
    - d. No multi-family residential or manufactured home park uses allowed.
  - 2. Permitted Commercial Uses:
    - a. Minimum Lot Size: Two (2) acres
    - b. Minimum Natural Buffer - 200 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.
    - c. Minimum setback for all structures, nitrification fields and impervious surfaces - 250 feet as measured from the

stream bank or 150 feet from 100 year flood plain elevation, whichever is greater.

3. Permitted Industrial Uses:

- a. Minimum Lot Size: Five (5) Acres
- b. Minimum Natural Buffer - 200 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.
- c. Minimum setback for all structures, nitrification fields and impervious surfaces - 250 feet as measured from the stream bank or 150 feet from 100 year flood plain elevation, whichever is greater.

4. Permitted agricultural use:

- a. Minimum Natural Buffer - 200 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.
- b. Minimum setback for all structures, nitrification fields and impervious surfaces - 250 feet as measured from the stream bank or 150 feet from 100 year flood plain elevation, whichever is greater.
- c. The natural buffer shall be reduced to 100 feet, as measured from the stream bank, for activities that do not require grubbing or tilling, such as tree harvesting with no stump removal.
- d. No chemical treatment (herbicides, pesticides, fertilizers, or paint) or livestock allowed in the natural buffer.

5. Permitted recreational uses:

- a. Minimum Natural Buffer - 200 feet as measured from the stream bank or 100 feet from 100-year flood plain elevation, whichever is greater.
- b. Minimum setback for all structures, nitrification fields and impervious surfaces - 250 feet as measured from the stream bank or 150 feet from 100 year flood plain elevation, whichever is greater.

- c. Pervious hiking trails and picnic areas will be allowed within the natural buffer. Any land disturbance activities are subject to Fayette County Erosion and Sedimentation Control Ordinance (Article IX, Development Regulations) and Flood Plain Regulations (Article IV, Development Regulations).
- d. No chemical treatment (herbicides, pesticides, fertilizers, or paint) allowed in the natural buffer.

E. If a reservoir is not constructed on or adjacent to a major water supply stream, the following shall apply to other minor streams within 1,000 feet of a minor stream.

1. Permitted Residential, Industrial, or Commercial uses:

- a. Minimum Lot Size - residential - per zoning ordinance; commercial: two (2) acres; and industrial: five (5) acres.
- b. Minimum Natural Buffer - 100 feet as measured from the stream bank or 50 feet from 100-year flood plain elevation, whichever is greater.
- c. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the stream bank or 100 feet from 100 year flood plain elevation, whichever is greater.
- d. No multi-family residential or manufactured home park uses allowed.

2. Permitted Agricultural uses:

- a. Minimum Natural Buffer - 100 feet as measured from the stream bank or 50 feet from 100-year flood plain elevation, whichever is greater.
- b. Minimum setback for all structures, nitrification fields and impervious surface - 150 feet as measured from the stream bank or 100 feet from 100 year flood plain elevation, whichever is greater.
- c. The natural buffer shall be reduced to 100 feet, as measured from the stream bank, for activities that do not require grubbing or tilling, such as tree harvesting with no stump removal.

- d. No chemical treatment (herbicides, pesticides, fertilizers, or paint) or livestock allowed in the natural buffer.
- 3. Permitted recreational uses:
  - a. Minimum natural buffer - 100 feet as measured from the stream bank or 50 feet from 100-year flood plain elevation, whichever is greater.
  - b. Minimum setback for all structures, nitrification fields and impervious surfaces - 150 feet as measured from the stream bank or 100 feet from 100 year flood plain elevation, whichever is greater.
  - c. Pervious hiking trails and picnic areas will be allowed within the natural buffer. Any land disturbance activities are subject to Fayette County Erosion and Sedimentation Control Ordinance (Article IX, Development Regulations) and the Flood Plain Regulations (Article IV, Development Regulations).
  - d. No chemical treatment (herbicides, pesticides, fertilizers, or paint) allowed in the natural buffer.

- F. The following restrictions shall apply specifically to Large Water Supply Watersheds as identified in the ordinance:

New facilities located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) in amounts of 10,000 pounds on any one (1) day or more, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or requirements of the Standard Fire Code.

- G. The following restrictions shall apply specifically to Small Water Supply Watersheds as identified in the ordinance:

1. New facilities located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) in amounts of 10,000 pounds on any one (1) day or more, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or requirements of the Standard Fire Code.
2. New landfills must be lined with a synthetic material and have a leachate collection system.
3. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25%) percent, or existing use, whichever is greater.

**Sec. 8-204. Other Quality Considerations.**

- A. It shall be the responsibility of every developer or builder to present required plans and to comply with the Fayette County Soil Erosion and Sedimentation Control Ordinance.
- A. Whenever the zoning district regulations, including lot size requirements, are more restrictive than those contained in this Article, the more restrictive provisions shall prevail.

- C. Nonresidential developments may be required to install any or all of, but not limited to, the following devices:
  - 1. Oil-water separators
  - 2. Grease traps
  - 3. Pre-settling basins
- D. No agricultural or recreational activity that does not strictly comply with Georgia Pesticide Act of 1976, Georgia Pesticide Use and Application Act of 1976, and Georgia Laws 1982, House Bill 1780 (O.C.G.A. Section 2-1-4) as amended, or with any and all other laws of the State of Georgia, will be allowed.

**Sec. 8-205. Natural Buffer Protection and Replacement.** Vegetation within a natural buffer, as defined in this Ordinance, shall not be disturbed except as indicated herein. Where a natural buffer area is otherwise disturbed, it shall be replanted according to this Article.

- A. Landscape Plan Requirements. A landscape plan is required for the replacement/replanting of buffer vegetation:
  - 1. A landscape plan shall be prepared by a landscape architect registered in the State of Georgia.
  - 2. A landscape plan shall include two (2) canopy trees with a minimum trunk caliper of two and one half (2 ½) inches (at four (4) inches from the ground) for every 1,000 square feet of disturbed buffer area on the site.
  - 3. A landscape plan shall include one (1) understory tree with a minimum trunk caliper on one (1) inch (at four (4) inches from the ground) for every 1,000 square feet of disturbed buffer area on the site.
  - 4. Required trees shall be randomly placed so that the mature canopy covers the buffer area.
  - 5. All disturbed buffer areas shall be 100 percent covered with deciduous trees, shrubs, and/or ground cover (not requiring mowing).

B. Landscape Plan Check Sheet. A landscape plan shall contain the following information:

1. Name, address and telephone number of property owner.
2. Name, address, telephone number and seal of landscape architect who prepared the plan.
3. Site location map, north point, scale of drawings.
4. Show all pertinent site features: buildings, walks, drives, underground utilities, water bodies, etc.
5. Show all property lines, distances to bodies of water and/or streams, and the limits of the natural buffer areas.
6. Show calculations on the plan for: total area, buffer area disturbed (in inches and square feet). Indicate numbers of canopy and understory trees required by ordinance.
7. Planting key: botanical and common name of all plant materials proposed; quantity of each species, size of plant material (caliper, height, width); condition (i.e. balled and burlapped, container grown, bare root, collected, etc.);
8. Submit three (3) copies of plans for review. One (1) will be returned upon approval.